

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DEBORAH MOSS, and  
WILLIAM HILLICK, on Behalf of  
Themselves and All Others Similarly  
Situating,

Plaintiffs,

vs.

BMO HARRIS BANK, N.A., FIRST  
PREMIER BANK, a South Dakota State-  
Chartered Bank, and BAY CITIES BANK,  
a Florida State-Chartered Bank

Defendants.

CASE NO. 2:13-CV-05438-JFB-GRB

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the Declaration of Darren Kaplan dated February 13, 2015 and the exhibits annexed thereto and upon the supporting memorandum of law and upon all other papers and proceedings had herein, Plaintiff, Deborah Moss (“Moss”) will move this court before the Honorable Joseph F. Bianco, U.S.D.J. of the Eastern District of New York at the United States Courthouse, 100 Federal Plaza, Room 920, Central Islip, New York 11722 for an order partially vacating the stay entered in this case pursuant to 9 U.S.C.A. § 3 on June 9, 2014 and allowing Moss to continue her action against Defendants First Premier Bank and Bay Cities Bank and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York  
February 13, 2015

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on 13th day of February 2015, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure and/or the Eastern District of New York's Local Rules, and/or the Eastern District of New York's Rules on Electronic Service through filing by the ECF system, which will send notification of the filing to the attorneys on that system.

/s/Darren T. Kaplan  
Darren T. Kaplan (DK 8190)